

The Honorable Stanley A. Bastian

William D. Pickett, WSBA #27867
THE PICKETT LAW FIRM
917 Triple Crown Way, Ste. 100
Yakima, Washington 98908
Tel: 509-972-1825
bill@wpickett-law.com
Attorney for Plaintiff

Luan T. Le, *pro hac vice*
Law Offices of Luan T. Le
1190 S. Bascom Ave, Suite 213
San Jose, CA 95128
Tel: 408-247-4715
Email: ledowningllp@gmail.com
Co-counsel for Plaintiff

Seth W. Wiener, *pro hac vice*
Law Offices of Seth W. Wiener
609 Karina Court
San Ramon, CA 94582
Tel: 925-487-5607
Email: seth@sethwienerlaw.com
Co-counsel for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

DEMETRIOS VORGIAS,

Plaintiff,

v.

COMMUNITY HEALTH OF CENTRAL
WASHINGTON,
Defendant.

Case No.: 1:21-cv-03013-SAB

**PLAINTIFF'S OBJECTIONS TO
DEFENDANT'S WITNESS
AND EXHIBIT LISTS**

Pursuant to the Court's Amended Scheduling Order of October 8, 2021, (ECF No. 24), Plaintiff submits the following objections to Defendant's Witness and Exhibit Lists.

1 Plaintiff's objections are based on the disclosures set forth in Defendant's Witness
2 and Exhibit Lists and are not intended to waive Plaintiff's right to limit the scope of any
3 potential testimony at trial. Plaintiff further reserves the right to make additional
4 objections to any witnesses' testimony or to any exhibit at trial, including objections
5 relating to the scope of such testimony, foundation, hearsay, or any other applicable
6 evidentiary objection.

7 **A. OBJECTIONS TO WITNESSES.**

8 Plaintiff generally objects to the proposed testimony of several of Defendant's
9 witness as a comparison of Defendant's Initial Disclosures and Defendant's Witness
10 List clearly demonstrate an effort by Defendant to expand the scope of its witnesses'
11 testimony.

12 More specifically, FRCP 26(a)(1)(A)(i) states in pertinent part that a party must,
13 without awaiting a discovery request, provide to the other parties:

14 (i) the name and, if known, the address and telephone number of each individual
15 likely to have discoverable information- *along with the subjects of that information-*
16 that the disclosing party may use to support its claims, or defenses, unless that use
17 would be solely for impeachment.

18 Additionally, FRE 802 state, hearsay is not admissible unless any of the
19 following provides otherwise:

- 20 • a federal statute;
- 21 • these rules; or
- 22 • other rules prescribed by the Supreme Court.

23 Following is each witness listed by Defendant, as well as the objectionable
24 subject matter, that Defendant now seeks to expand into the record:

25
26 1. Demetrios Vorgias- Plaintiff will testify regarding his claims, residency,
27 performance, unlawful/discriminatory/retaliatory termination by Defendant, and
28 damages.

1 2. Dr. Russell Maier-

2 a. Objection to any testimony from this witness regarding
3 performance “counseling or discipline” as those subjects were not identified and
4 disclosed by Defendant. FRCP 26(a)(1)(A)(i).

5 b. Plaintiff further objects that Dr. Maier’s testimony concerning
6 performance “counseling or discipline” likely constitutes hearsay. FRE 802.

7 c. Plaintiff does not object to Dr. Maier’s limited testimony
8 regarding Plaintiff’s “residency and performance” as those two subjects were identified
9 in Defendant’s Initial Disclosures

10 3. Dr. Micahlyn Powers-

11 a. Objection to any testimony from this witness regarding the
12 following subjects: “her communications with and observations of Plaintiff, his
13 performance counseling and discipline, CARED Committee meetings, and his
14 separation of employment” as those subjects were not identified and disclosed by
15 Defendant. FRCP 26(a)(1)(A)(i).

16 b. Plaintiff further objects that any such communications likely
17 constitute hearsay. FRE 802.

18 c. Plaintiff does not object to Dr. Powers’ limited testimony
19 regarding Plaintiff’s residency and performance as those subjects were included in
20 Defendant’s Initial Disclosures.

21 4. Dr. David Bauman-

22 a. Objection to any testimony from this witness regarding the
23 following subjects: “his communications with and observations of Plaintiff, CARED
24 Committee meetings, and Plaintiff’s separation of employment,” as those subjects were
25 not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

26 b. Plaintiff further objects that any such communications likely
27 constitute hearsay. FRE 802.

28 c. Plaintiff does not object to limited testimony from Dr.

1 Bauman regarding Plaintiff's residency and performance as those subjects were
2 included in Defendant's Initial Disclosures.

3 5. Dr. Katina Rue-

4 a. Objection to any testimony from this witness regarding the
5 following subjects: "her communications with and observations of Plaintiff,
6 CARED Committee meetings, and his separation of employment," as those subjects
7 were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

8 b. Plaintiff further objects that any such communications likely
9 constitute hearsay. FRE 802.

10 c. Plaintiff does not object to limited testimony from Dr. Rue
11 regarding Plaintiff's residency and performance as those subjects were included in
12 Defendant's Initial Disclosures.

13 6. Dr. Caitlin Hill-

14 a. Objection to any testimony from this witness regarding the
15 following subjects: "her communications with and observations of Plaintiff, CARED
16 Committee meetings, and his separation of employment," as those subjects were not
17 identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

18 b. Plaintiff further objects that any such communications likely
19 constitute hearsay. FRE 802.

20 c. Plaintiff does not object to limited testimony from Dr. Rue
21 regarding Plaintiff's residency and performance.

22 7. Dr. Ragina Lancaster-

23 a. No objection as to limited testimony from this witness
24 regarding Plaintiff's residency and performance.

25 8. Leticia Fernandez-

26 a. Objection to any testimony from this witness regarding the
27 following subjects: "the residency program and CARED Committee meetings" as those
28 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

1 b. Plaintiff further objects that any such communications likely
2 constitute hearsay. FRE 802.

3 c. Plaintiff does not object to limited testimony from this
4 witness regarding Plaintiff's residency and performance.

5 9. Gina Many-

6 a. No objection as to limited testimony from this witness
7 regarding Plaintiff's residency and performance.

8 10. Laura McClintock-

9 a. Objection to any testimony from this witness regarding the
10 following subjects: "her communications with and observations of Plaintiff, his
11 performance counseling and discipline, CARED Committee meetings, his separation of
12 employment, and accommodations of processes and procedures" as those subjects were
13 not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

14 b. Plaintiff further objects that any such communications likely
15 constitute hearsay. FRE 802.

16 c. Plaintiff does not object to limited testimony from this
17 witness regarding Plaintiff's residency and performance.

18 11. Dr. Carlin Miller-

19 a. Objection to any testimony from this witness regarding the
20 following subjects: "her communications with and observations of Plaintiff," as those
21 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

22 b. Plaintiff further objects that any such communications likely
23 constitute hearsay. FRE 802.

24 c. Plaintiff does not object to limited testimony from this
25 witness regarding Plaintiff's residency and performance.

26 12. Dr. Joel Pearson-

27 a. Objection to any testimony from this witness regarding the
28

1 following subjects: “his communications with and observations of Plaintiff,” as those
2 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

3 b. Plaintiff further objects that any such communications likely
4 constitute hearsay. FRE 802.

5 c. Plaintiff does not object to limited testimony from this
6 witness regarding Plaintiff’s residency and performance.

7 13. Dr. Portia Jones-

8 a. Objection to any testimony from this witness regarding the
9 following subjects: “his communications with and observations of Plaintiff,” as those
10 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

11 b. Plaintiff further objects that any such communications likely
12 constitute hearsay. FRE 802.

13 c. Plaintiff does not object to limited testimony from this
14 witness regarding Plaintiff’s residency and performance.

15 14. Dr. Patrick Moran-

16 a. Objection to any testimony from this witness regarding the
17 following subjects: “his communications with and observations of Plaintiff,” as those
18 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

19 b. Plaintiff further objects that any such communications likely
20 constitute hearsay. FRE 802.

21 c. Plaintiff does not object to limited testimony from this
22 witness regarding Plaintiff’s residency and performance.

23 15. Dr. Margaret McLeod-

24 a. Objection to any testimony from this witness regarding the
25 following subjects: “her communications with and observations of Plaintiff,” as those
26 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

27 b. Plaintiff further objects that any such communications likely
28 constitute hearsay. FRE 802.

1 c. Plaintiff does not object to limited testimony from this
2 witness regarding Plaintiff's residency and performance.

3 16. Dr. Midhuna Papazian-

4 a. Objection to any testimony from this witness regarding the
5 following subjects: "her communications with and observations of Plaintiff," as those
6 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

7 b. Plaintiff further objects that any such communications likely
8 constitute hearsay. FRE 802.

9 c. Plaintiff does not object to limited testimony from this
10 witness regarding Plaintiff's residency and performance.

11 17. Dr. Tiffany Mark-

12 a. Objection to any testimony from this witness regarding the
13 following subjects: "her communications with and observations of Plaintiff," as those
14 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

15 b. Plaintiff further objects that any such communications likely
16 constitute hearsay. FRE 802.

17 c. Plaintiff does not object to limited testimony from this
18 witness regarding Plaintiff's residency and performance.

19 18. Dr. Dominick Nguyen-

20 a. Objection to any testimony from this witness regarding the
21 following subjects: "his communications with and observations of Plaintiff," as those
22 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

23 b. Plaintiff further objects that any such communications likely
24 constitute hearsay. FRE 802.

25 c. Plaintiff does not object to limited testimony from this
26 witness regarding Plaintiff's residency and performance.

27 19. Dr. Ravneet Dhaliwal-

28 a. Objection to any testimony from this witness regarding the

1 following subjects: “his communications with and observations of Plaintiff,” as those
2 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

3 b. Plaintiff further objects that any such communications likely
4 constitute hearsay. FRE 802.

5 c. Plaintiff does not object to limited testimony from this
6 witness regarding Plaintiff’s residency and performance.

7 20. Dr. Stephanie Ellwood-

8 a. Objection to any testimony from this witness regarding the
9 following subjects: “her communications with and observations of Plaintiff,” as those
10 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

11 b. Plaintiff further objects that any such communications likely
12 constitute hearsay. FRE 802.

13 c. Plaintiff does not object to limited testimony from this
14 witness regarding Plaintiff’s residency and performance.

15 21. Dr. Brandon Isaacs-

16 a. Objection to any testimony by this witness as this witness was not
17 identified in Defendant’s Initial Disclosures.

18 b. Plaintiff further specifically objects to any testimony from
19 this witness regarding the following subjects: “his communications with and
20 observations of Plaintiff,” as those subjects were not identified and disclosed by
21 Defendant. FRCP 26(a)(1)(A)(i).

22 c. Additionally, Plaintiff objects that any such communications
23 likely constitute hearsay. FRE 802.

24 22. Joy Gay (RN)-

25 a. Objection to any testimony from this witness regarding the
26 following subjects: “her communications with and observations of Plaintiff,” as those
27 subjects were not identified and disclosed by Defendant. FRCP 26(a)(1)(A)(i).

28 b. Plaintiff further objects that any such communications likely

1 constitute hearsay. FRE 802.

2 c. Plaintiff does not object to limited testimony from this
3 witness regarding Plaintiff's residency and performance.

4 23. Shelley Lewis (Defense Expert)-

5 a. Objection to any testimony from this witness that has not
6 been properly disclosed pursuant to FRCP 26(a)(2). Ms. Lewis has been disclosed as
7 vocational rehabilitation counselor. She has not been identified or disclosed on the
8 subject of "failure to mitigate damages."

9 **B. OBJECTIONS TO EXHIBITS.**

10 Plaintiff's objections to Defendant's Exhibit List is attached as Exhibit A.

11
12 DATED this 7th day of February, 2022.

13 14 THE PICKETT LAW FIRM By: s/William Pickett 15 William D. Pickett, WSBA #27867 16 917 Triple Crown Way, Suite 100 17 Yakima, WA 98908 bill@wpickett-law.com 18 <i>Attorney for Plaintiff</i>	19 20 LAW OFFICES OF SETH W. WIENER By: s/Seth W. Wiener 21 Seth W. Wiener, CSBA #203747 22 609 Karina Court 23 San Ramon, CA 94582 24 Email: sethwiener@yahoo.com <i>Attorney for Plaintiff – Pro Hac Vice</i>
25 26 LAW OFFICES OF LUAN T. LE By: s/Luan Le 27 Luan T. Le. CSBA #171029 28 1190 S Bascom Avenue, Suite 213 San Jose, CA 95128 Email: ledowningllp@gmail.com <i>Attorney for Plaintiff – Pro Hac Vice</i>	

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Luon T. Le, *pro hac vice*
Law Offices of Luan T. Le
1190 S. Bascom Ave, Suite 213
San Jose, CA 95128
Tel: 408-247-4715
Email: ledowningllp@gmail.com
Co-counsel for Plaintiff

Seth W. Wiener, *pro hac vice*
Law Offices of Seth W. Wiener
609 Karina Court
San Ramon, CA 94582
Tel: 925-487-5607
Email: seth@sethwienerlaw.com
Co-counsel for Plaintiff

Catharine Morisset, WSBA #29682
Nate Bailey, WSBA #40756
Fisher & Phillips, LLP
1201 Third Avenue, Ste. 2750
Seattle, Washington 98101
Tel: 206-682-2308
Email: cmorisset@fisherphillips.com
nbailey@fisherphillips.com
Attorneys for Defendant

DATED at Yakima, Washington, this 7th day of February, 2022.

By: s/ William D. Pickett
William D. Pickett, WSBA NO. 27867